

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

AMERICAN HONOLULU CONSTRUCTION, LTD.,

Respondent.

CASE NO. OSH 2008-2

ORDER NO. 282

FIRST AMENDED PRETRIAL
ORDER

FIRST AMENDED PRETRIAL ORDER

On April 22, 2008, Complainant DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS (DIRECTOR), by and through his counsel, filed a Motion to Compel Discovery Responses from Respondent American Honolulu Construction, Ltd. with the Hawaii Labor Relations Board (Board). Complainant alleged that on March 14, 2008, it served Respondent AMERICAN HONOLULU CONSTRUCTION, LTD. (AMERICAN) with two discovery requests, a First Request for Answers to Interrogatories and a First Request for Production of Documents, and notified AMERICAN that it had 30 days to respond to the request. The DIRECTOR contends that AMERICAN did not respond to the DIRECTOR's requests for discovery.

The Board scheduled a hearing on Complainant's motion on May 8, 2008 which was attended by Deputy Attorney General J. Gerard Lam for the DIRECTOR and Respondent's representative, Richard Cheng. Upon convening the hearing, Complainant's counsel represented that Respondent agreed in prior discussions that no responses had been provided to the DIRECTOR's discovery requests and that Respondent's representative would provide a response in 30 days.

Pursuant to the agreement of the parties to modify the schedule set forth in the Pretrial Order No. 277 issued on March 14, 2008, IT IS HEREBY ORDERED THAT:

1. The deadline for Respondent's responses to the DIRECTOR's discovery requests is **June 9, 2008**.

2. The deadline for the parties' final naming of witnesses is **June 23, 2008**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their testimony, to the other party and to the Board by this date. Each party shall also exchange any expert witness reports by this date.
3. The discovery cutoff date is **July 21, 2008**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **August 5, 2008 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, the Pretrial Order, as amended by this First Amended Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, _____ May 9, 2008 _____.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS and
AMERICAN HONOLULU CONSTRUCTION, LTD.
CASE NO. OSH 2008-2
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Copies sent to:

J. Gerard Lam, Deputy Attorney General
Richard Cheng